

## **IC 20-23-9**

### **Chapter 9. Annexation of a Township School Corporation**

## **IC 20-23-9-1**

### **"Annexing corporation"**

Sec. 1. As used in this chapter, "annexing corporation" refers to a school corporation that has annexed all or part of any territory of a township school.

*As added by P.L.1-2005, SEC.7.*

## **IC 20-23-9-2**

### **"Township"**

Sec. 2. As used in this chapter, "township" refers to a township where any part of a township school was located.

*As added by P.L.1-2005, SEC.7.*

## **IC 20-23-9-3**

### **"Township school"**

Sec. 3. As used in this chapter, "township school" refers to:

- (1) a township school that loses territory to an annexing corporation as a result of an annexation;
- (2) the township school's successor; or
- (3) the township.

*As added by P.L.1-2005, SEC.7.*

## **IC 20-23-9-4**

### **Petition of appeal**

Sec. 4. (a) An annexing corporation may file a petition of appeal with the department of local government finance for emergency financial relief.

(b) The annexing corporation shall serve the petition on the following:

- (1) The department.
- (2) The township.
- (3) The township school.
- (4) Any other annexing corporation that annexed the township school on the same date.

(c) All annexing corporations are parties to the petition.

*As added by P.L.1-2005, SEC.7.*

## **IC 20-23-9-5**

### **Factfinding hearing**

Sec. 5. If the department of local government finance receives a petition of appeal under section 4 of this chapter, the department of local government finance shall submit the petition to the school property tax control board established by IC 6-1.1-19-4.1 for a factfinding hearing.

*As added by P.L.1-2005, SEC.7.*

## **IC 20-23-9-6**

### **Determinations at factfinding hearings**

Sec. 6. (a) If the department of local government finance submits a petition to the school property tax control board under section 5 of this chapter, the school property tax control board shall hold a factfinding hearing.

(b) At a hearing described in subsection (a), the school property tax control board shall determine the following:

(1) Whether the township school has made all payments required by any statute, including the following:

(A) P.L.32-1999.

(B) IC 20-23-5-12.

(C) The resolution or plan of annexation of the township school, including:

(i) any amendment to the resolution or plan;

(ii) any supporting or related documents; and

(iii) any agreement between the township school and an annexing corporation relating to the winding up of affairs of the township school.

(2) The amount, if any, by which the township school is in arrears on any payment described in subdivision (1).

(3) Whether the township school has filed with the department of local government finance all reports concerning the affairs of the township school, including all transfer tuition reports required for the two (2) school years immediately preceding the date on which the township school was annexed.

(c) In determining the amount of arrears under subsection (b)(2), the school property tax control board shall consider all amounts due to an annexing corporation, including the following:

(1) Any transfer tuition payments due to the annexing corporation.

(2) All levies, excise tax distributions, and state distributions received by the township school and due to the annexing corporation, including levies and distributions received by the township school after the date on which the township school was annexed.

(3) All excessive levies that the township school agreed to impose and pay to an annexing corporation but failed to impose.

(d) If, in a hearing under this section, a school property tax control board determines that a township school has:

(1) under subsection (b)(1), failed to make a required payment;  
or

(2) under subsection (b)(3), failed to file a required report;

the department may act under section 7 of this chapter.

*As added by P.L.1-2005, SEC.7. Amended by P.L.231-2005, SEC.24.*

### **IC 20-23-9-7**

#### **Powers of department after determination; payments**

Sec. 7. (a) If a school property tax control board makes a determination under section 6(d) of this chapter, the department:

(1) may prohibit a township from:

- (A) acquiring real estate;
- (B) making a lease or incurring any other contractual obligation calling for an annual outlay by the township exceeding ten thousand dollars (\$10,000);
- (C) purchasing personal property for a consideration greater than ten thousand dollars (\$10,000); and
- (D) adopting or advertising a budget, tax levy, or tax rate for any calendar year;

until the township school has made all required payments under section 6(b)(1) of this chapter and filed all required reports under section 6(b)(3) of this chapter; and

(2) shall certify to the treasurer of state the amount of arrears determined under section 6(b)(2) of this chapter.

(b) Upon being notified of the amount of arrears certified under subsection (a)(2), the treasurer of state shall make payments from the funds of state to the extent, but not in excess, of any amounts appropriated by the general assembly for distribution to the township school, deducting the payments from any amount distributed to the township school.

*As added by P.L.1-2005, SEC.7.*

#### **IC 20-23-9-8**

##### **Excess levy**

Sec. 8. The department may grant permission to a township school or a township to impose an excess levy to satisfy its obligations under this chapter.

*As added by P.L.1-2005, SEC.7.*